

MONTANA LEGISLATIVE HISTORY

Chapter 101 19 75

Bill H 76 S _____ Original bill & history ☒ c

H. Committee on Local Gov.

Hearing Date(s) 1-22 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Local Gov.

Hearing Date(s) 3-8 ☒ c

3-11 ☒ c

_____ c

_____ c

BEST COPY
AVAILABLE

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1 *House* BILL NO. *76*
2 INTRODUCED BY *Memorandum Log Taper, Palmer Harper*
3 *Richard*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT EXISTING
5 COUNTY, CITY-COUNTY, OR CITY PLANNING BOARDS TO FORM JOINT
6 OR CONSOLIDATED PLANNING BOARDS BY INTERLOCAL AGREEMENT."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. There is a new R.C.M. section numbered
10 11-3815.1, R.C.M. 1947, that reads as follows:

11 11-3815.1. Joint or consolidated planning boards.

12 (1) Any existing county, city-county, or city planning
13 board may form a joint or consolidated planning board with
14 any other existing county, city-county, or city planning
15 board or with any combination of these boards.

16 (2) The manner of combination shall be by interlocal
17 agreement of the cities, counties and towns represented on
18 the existing planning boards pursuant to Title 16, chapter
19 49, R.C.M. 1947.

20 (3) The interlocal agreement shall:

21 (a) state the name of the combined board;

22 (b) specify whether a joint or combined board is
23 formed;

24 (c) specify the representation, means and manner of
25 appointment, membership duties and manner of sharing costs

1 of the combined board which may be on any basis agreeable to
2 the governing bodies of the cities, counties, and towns
3 represented on the existing planning boards.

4 (4) If a consolidated board is formed, the existing
5 county, city-county, and city planning boards shall be
6 dissolved, and the consolidated boards shall have all of the
7 rights, duties, powers, and obligations of the existing
8 planning boards.

9 (5) If a joint board is formed, the existing planning
10 board shall not be dissolved and the joint board shall have
11 such rights, duties, powers, and obligations as are set
12 forth in the interlocal agreement.

-End-

INTRODUCED BILL

HB 76

FISCAL NOTE

Form BD-15

Compliance with a written request received January 17, 19 75, there is hereby submitted a Fiscal Note
Senate Bill 76 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise political campaign reporting requirements; to require each candidate to appoint a campaign treasurer and create a campaign depository; to create the position of commissioner of campaign finances and practices attached to the office of Secretary of State to enforce election and campaign finance laws; to authorize citizens to bring action to force compliance. The act is effective on January 1, 1976.

ASSUMPTIONS:

A June primary in 1976 is assumed.

Costs are based on 400 candidates and fund raising clubs in the primary election, and 300 candidates and clubs in the general election.

The commissioner's staff would include an assistant, one secretary, one clerk and temporary help for periods before and after elections. Additional office space and furniture would be required.

Approximately \$10,000 for prosecutorial services under Section 11(3) would be necessary in FY 77.

FISCAL IMPACT:

	FY 76 (Jan 1-June 30)	FY 77
Additional expenditures under proposed law		
Personal Services	\$33,404	\$69,380
Operating Expenses	9,438	32,775
Equipment	5,000	0
Total expenditures under proposed law	<u>\$47,842</u>	<u>\$102,155</u>

LOCAL IMPACT:

County clerks and recorders would have added work in handling the reports generated by this act.

Michael B. Rollings
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1/22/75

1975
house

LOCAL GOVERNMENT COMMITTEE

44 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 74	An Act to Tax Subdivisions for Fire Protection; and Amending Section 28-109, R.C.M. 1947.	1-11-75	Staigmilller	1-22-75		
HB 76	An Act to Permit Existing County, City-County, or City Planning Boards to Form Joint or Consolidated Planning Boards by Interlocal	1-11-75	Kemmis	1-22-75	1-22-75 DO PASS	1-22-75
HB 91	An Act to Allow the Creation of a Capital Improvement Fund for County Government.	1-16-75	Kendall	1-24-75	1-24-75 DO PASS	1-24-75
HB92	An Act To amend Section 16-1803, R.C.M. 1947, To Provide a Bidding Procedure for County Purchases Exceeding Ten Thousand Dollars	1-16-75	Kendall	1-24-75	1-24-75 DO PASS AS AMENDED	1-24-75
HB 96	An Act to Amend Sections 11-2303 and 16-2010, R.C.M. 1947, to Authorize City and Town and County Bond Issues in Excess of the Limitation	1-16-75	Dassinger	1-24-75	Pulled from committee	1-22-75
	in the limita-			1-22-75	1-22-75	1-22-75

JANUARY 22, 1975
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE

The meeting was called to order at 8:00 A.M. by Vice Chairman Kendall. The secretary called roll; members excused were Representatives Gerke and Marks.

HOUSE BILL 74: Rep. Staigmilller, chief sponsor of the bill, spoke briefly on the purpose of the bill and introduced Richard Sandman, Chief of the Fire Control Bureau, Division of Forestry, who spoke in support of the bill but recommended that the committee defer action on this bill and refer to House Joint Resolution 15. Mr. Sandman stated that the income from this bill would not pay for the cost of collecting the assessment. There were no opponents to the bill.

HOUSE BILL 61: Rep. South, chief sponsor of the bill, explained the purpose of this bill and that it is a permissive bill. It will authorize and empower the governing body of a county, at its option, to make an all-purpose annual levy to be known as the general purpose fund. Proponents for the bill were Dean Zinnecker; Ray Stoner, President, Montana Assoc. of Counties; and John Bell, representing Clerk and Recorders. Edward W. Nelson, Montana Taxpayers Association, spoke in opposition to the bill (exhibit 1).

Questions were asked by the committee. Rep. Asher asked for a definition of the "governing body of the county". Rep. South replied that in 55 counties it was the board of county commissioners and in Petroleum County it would be the board of county commissioners and county manager.

HOUSE BILL 76: Rep. Kemmis, chief sponsor of the bill, briefly explained the bill and stated it was a permissive legislation. Other proponents of the bill were John H. Crowley, Director, Missoula Planning Board, and Dean Zinnecker, Executive Director, Montana Association of Counties. There were no opponents to the bill.

HOUSE BILL 137: Rep. Yardley, sponsor of the bill, explained that this bill would let county governing boards set the salaries of other county officials and gives a maximum and minimum salary range. It would not apply to county attorneys. Provides that there will be no decrease in current wage or salary and repealing of section providing compensation.

Dean Zinnecker, Executive Director, Montana Association of Counties, introduced Ray Stoner, President, Montana Association of Counties, who spoke in support of the bill. Dean Zinnecker, proponent of the bill, gave three reasons for introducing the bill: first, reduce the valuable time of legislators required to set county salaries; second, reduce the salary inequities existing in county government and enable the county

off interest that may be paid for bonds. Due to the present limitation it is impossible to sell bonds, and there is no danger in going out of sight as bids can be rejected.

Proponents of the bill were Dan Mizner, Executive Director, Montana League of Cities and Towns; R. D. Thomas, City Manager, Great Falls; Wm. J. Fry Jr., City of Billings; Al Thelen, City Manager, Helena; and Larry Hagen, City Financial Director, Missoula. Dan Mizner gave each member a chart (exhibit 8).

There was a brief discussion by the committee, and it was brought out that if the limit was taken off, the law still provides measures for competitive bidding and procedures for rejection of the bid or bond issue.

Rep. Kendall returned to the chair, and the committee went into executive session to take action as follows:

Rep. Kendall suggested that House Bills 61 and 137 be held over.

HOUSE BILL 117: It was moved by Rep. O'Connell and seconded that House Bill 117 DO PASS. Motion carried unanimously.

HOUSE BILL 76: It was moved by Rep. Palmer and seconded that House Bill 76 DO PASS. Motion carried unanimously.

HOUSE BILL 74: It was moved by Rep. O'Connell and seconded that House Bill 74 be deferred and refer to House Joint Resolution 15. Motion carried.

HOUSE BILL 138: It was moved by Rep. O'Connell and seconded that House Bill 138 be held until the next executive session. Motion carried.

There being no further business the meeting was adjourned at 9:35 A.M.


Orin P. Kendall, Vice Chairman


Yvonne Borgmann, Secretary

NAME Alan J. Jernick Bill No. _____
ADDRESS Albion Date 1-22-75
WHOM DO YOU REPRESENT? 1st Area of County
SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

HB	61	Support
HB	76	Support
HB	137	Support
HB	138	Support

NAME DANIEL KEMMIS Bill No. HB 76

ADDRESS 3618 South Third West - Missoula Date 1-22-75

WHOM DO YOU REPRESENT? Representative District 100

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME John H. Crowley Bill No. HB 76

ADDRESS 201 West Spruce, Missoula Date 1-22-75

WHOM DO YOU REPRESENT? Missoula Planning Board

SUPPORT ☒ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1915 Senate

44th

LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 24	1-18	1-30	1-30				1-30		
HB 25	1-17	1-30	1-30				1-30		
HB 26	1-31	3-7	3-7				3-7		
HB 37	1-23	2-13	2-13				2-13		
HB 61	1-28	3-15	3-15						3-15
HB 76	1-27	3-8	3-12				3-12		
HB 91	1-28	3-4	3-4				3-4		
HB 92	1-31	3-4	3-4				3-4		
HB 108	2-4	3-6 Transferred to Judiciary			3-8				
HB 112	2-7	3-8	3-12			3-12			
HB 117	1-28	3-6	3-7					3-7	
HB 138	1-30	3-10	3-12						3-12
HB 140	1-29	3-7	3-7					3-7	
HB 143	1-28	3-15, 20	3-20				3-20		
HB 150	1-31	3-5	3-5				3-5		
HB 151	1-31	3-5	3-5				3-5		
HB 176	2-26	3-11, 12, 13	3-18					3-13	

Dan Mizner also opposed this bill stating again that it should be left in the hands of the local officials rather than brought to the state Legislature. Al Thelen supported Mr. Mizner's testimony.

The Committee questioned the witnesses.

CONSIDERATION OF HOUSE BILL 76: Representative Kemmis explained that his bill was to correct an inequity regarding planning board consolidations. Currently planning boards may consolidate city and county but they have to keep up the parent board. This bill would enable them to dissolve the parent board thus eliminating unnecessary meetings. He offered an exhibit (Exhibit B). The bill was supported by Dean Zinnecker and Dan Mizner.

The Committee questioned the witnesses.

ADJOURN: There being no further business the meeting was adjourned at 12:00 P.M.



MILES ROMNEY, Chairman

MR:dg

Exhibits A-B

POLL CALL

LOCAL GOVERNMENT COMMITTEE

44th LEGISLATIVE SESSION 1975

Da

[illegible]



MONTANA ASSOCIATION OF PROFESSIONAL PLANNERS

Exhibit B

728-1561
Crowley

11:00 Sat
Rm 41

February 5, 1975

Honorable Daniel Kemmis
House of Representatives
Capitol Post Office
Helena, Montana 59601

Dear Rep. Kemmis:

The Montana Association of Planners has resolved to fully support H.B. 76 permitting City, City-County and County planning boards to consolidate by interlocal agreement and H.B. 143 providing procedures for interim municipal zoning.

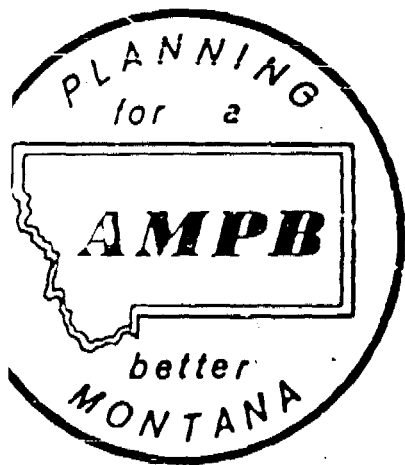
If we can assist you in the passage of these bills into law, please do not hesitate to contact me.

Sincerely,

R. Byron Roberts

R. Byron Roberts, President
Montana Association of Planners

RBR/ke



Association of Montana Planning Board

January 28, 1975

Rep. Daniel Kemmis
Montana House of Representatives
Helena, Montana, 59601

Dear Mr. Kemmis:

The directors of the Association of Montana Planning Boards, meeting January 22, 1975, voted unanimously to support HB 76, which you introduced. We feel it will be helpful in orderly county development.

Yours truly,

Marcia Staigmiller, per Jck

Marcia Staigmiller
President

MS/jck

cc: Harold Gerke, Chairman
House Committee on Local Government

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 11, 1975
4:15 P.M.

The thirty-sixth meeting of the Local Government Committee was called to order by Chairman Romney on the above date in Room 410 of the Capitol Building at 4:15 P.M.

ROLL CALL: All members were present. Senator Cetrone was excused part way through the meeting for another meeting.

DISPOSITION OF BILLS:

House Bill 112: Senator Watt made a motion that HB 112 be amended to set the salary scale on a graduated basis with seven hundred dollars (\$700) for first year and seven hundred-fifty dollars (\$750) for second year. Seconded by Senator Murphy. Motion carried. (See attached Committee Report)

Senator Watt made a motion that HB 112 AS AMENDED BE CONCURRED IN. Seconded by Senator McCallum. Motion carried.

House Bill 615: Chairman Romney appointed Senator Murphy to study the bill and report back.

House Bill 76: Senator Watt made a motion that HB 76 BE CONCURRED IN. Seconded by Senator Goodover. Motion carried.

House Bill 138: Senator Thiessen made a motion that HB 138 BE NOT CONCURRED IN. Seconded by Senator Murphy. Motion carried.

ADJOURN: There being no further business, the meeting was adjourned at 4:45 P.M.


MILES ROMNEY, Chairman

POLL CALL

LOCAL GOVERNMENT COMMITTEE

44th LEGISLATIVE SESSION 1975

Da

[illegible]

March 12

19 75

PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 76

respectfully report as follows: That HOUSE Bill No. 76

E CONCURRED IN

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 11 1975 House Bill No. 76 Time 4:30

NAME	YES	NO
V. E. CETRONE, VICE CHAIRMAN		
TERRY MURPHY	/	
CORNIE R. THIESSEN	/	
ROBERT D. WATT	/	
PAT M. GOODOVER	/	
GEORGE McCALLUM	/	
PETER STORY		
MILES ROMNEY, CHAIRMAN	-	

Sharon Line
Secretary

Miles Romney
Chairman

Motion: Dr. Concurred (a)

HOUSE BILL NO. 76

INTRODUCED BY KEMMIS, LORY, FAGG,

PALMER, HARPER, RICHARDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT EXISTING
COUNTY, CITY-COUNTY, OR CITY PLANNING BOARDS TO FORM JOINT
OR CONSOLIDATED PLANNING BOARDS BY INTERLOCAL AGREEMENT."

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the existing planning boards pursuant to Title 16, chapter
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formed;

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of the combined board which may be on any basis agreeable to
the governing bodies of the cities, counties, and towns
represented on the existing planning boards.

(4) If a consolidated board is formed, the existing
county, city-county, and city planning boards shall be
dissolved, and the consolidated boards shall have all of the
rights, duties, powers, and obligations of the existing
planning boards.

(5) If a joint board is formed, the existing planning
board shall not be dissolved and the joint board shall have
such rights, duties, powers, and obligations as are set
forth in the interlocal agreement.

-End-

REFERENCE BILL